

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CONCORDIA PARTNERS, LLC,)
Plaintiff/Counterclaim Defendant)
v.)
DAVID S. WARD,)
Defendant/Counterclaim Plaintiff.)
Case No. 2:12-cv-138-GZS

PROCEDURAL ORDER & REPORT OF CONFERENCE

On December 12, 2013, the Court held a conference of counsel to discuss pending motions. Attorneys George Royle and George T. Dilworth appeared for Concordia Partners LLC. Attorneys Lloyd De Vos, Michael Nelson and Deborah Mann appeared for David Ward. Attorneys Douglas Currier and Rachel Wertheimer appeared for Jeff McKinnon, who also appeared personally.

All parties agreed that the pending Motion to Enforce Settlement by Concordia LLC and Jeff McKinnon (ECF No. 94) should be decided by this Court based on a stipulated written record. All counsel agreed that to the extent the stipulated record contains statements made by counsel, those statements were made with actual authority and are not subject to attorney-client privilege. Additionally, in response to the Court's inquiry, all counsel indicated that they had reviewed the applicable Maine Rules of Professional Conduct and were satisfied that resolving the pending Motion to Enforce Settlement on a written stipulated record would not raise any issues under those rules.

The stipulated record for the Motion to Enforce Settlement shall consist of all of the attachments previously filed (ECF Nos. 94-1 – 94-7 & 96-1) as well as any additional documents that the parties file by December 26, 2013 at noon.¹ At the conference, the parties discussed a supplemental joint filing by this deadline. In the absence of any agreement on a joint filing, the Court expects that each side will submit any and all supplemental materials it wishes the Court to consider in deciding the Motion to Enforce Settlement by the December 26th deadline.

¹ Additionally, if and as necessary, the Court may take judicial notice of any other filings appearing on the docket.

Additionally, the parties may (but are not required to) file supplemental briefs not to exceed ten pages by December 26, 2013. Any such brief shall focus on the impact of the supplemental stipulated record filings. While the Court does not anticipate that any reply briefs will be necessary, the Court will consider reply briefs that do not exceed five pages if such a reply is filed before noon on January 2, 2014.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 12th day of December, 2013.